

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MBHB Docket No. 07-456-A

In the Application of:)	
)	
Aaftab A. Munshi et al.)	
)	
Application No.: 10/681,829)	Patent No.: 7,126,605
)	
Filing Date: October 7, 2003)	Issue Date: October 24, 2006
)	
For: Method and Apparatus for Implementing)	
Level of Detail with Ray Tracing)	

Mail Stop Certificate of Correction
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION

Dear Sir:

Applicants respectfully request that the Office issue the attached Certificate of Correction in the above-captioned case to correct the priority claim under 35 U.S.C. 120. In particular, above-captioned application 10/681,829, which issued as patent 7,126,605 on October 24, 2006, is a continuation of application 09/898,034, which was filed on July 3, 2001. Application 09/898,034 is now abandoned. Applicants timely claimed priority to the 09/898,034 application in the transmittal letter submitted with 10/681,829 application on the October 7, 2003 filing date. Also, the Office acknowledged the priority claim in both the Filing Receipt mailed on January 2, 2004 and the Updated Filing Receipt mailed on July 30, 2004. However, Applicants failed to amend the specification to include a reference to the 09/898,034 application in the first sentence following the title as required by MPEP 201.11 and 37 CFR 1.78, and Applicant seeks to correct

this omission with the present Certificate of Correction. A copy of the transmittal letter with the priority claim and a copy of each Filing Receipt confirming the priority claim are submitted with this request.

Under MPEP 1481.03, “a Certificate of Correction can...be used, with respect to 35 U.S.C. 120 priority, to correct...the failure to make reference to a prior copending application pursuant to 37 CFR 1.78(a)(2).” Certificate of Correction is appropriate where “(A) all requirements set forth in 37 CFR 1.78(a)(1)...have been met...; (B) it [is] clear from the record of the patent and parent application(s) that priority is appropriate...; and (C) a grantable petition to accept an unintentionally delayed claim for the benefit of a prior application [is] filed, including a surcharge as set forth in 37 CFR 1.17(t), *as required by 37 CFR 1.78(a)(3).*” MPEP 1481.03 (emphasis added). Applicants submit that all three requirements under MPEP 1481.03 are satisfied in this case.

First, all requirements under 37 CFR 1.78(a)(1) have been met because: (i) the 09/898,034 parent application names the same inventors as the 10/681,829 application which issued as the 7,126,605 patent; (ii) the 09/898,034 parent application discloses the invention claimed in the 10/681,829 application which issued as the 7,126,605 patent; and (iii) the 09/898,034 parent application is entitled to a July 3, 2001 filing date under 37 CFR 1.53(b).

Second, it is clear from the record that priority is appropriate because Applicants timely claimed priority to the 09/898,034 parent in the application transmittal letter submitted on October 7, 2003, and the Office acknowledged Applicants’ priority claim in both the Filing Receipt mailed on January 2, 2004, and the Updated Filing Receipt mailed on July 30, 2004.

Finally, Applicants submit that a “grantable petition” and a surcharge under 37 CFR 1.78(a)(3) are not required under 37 CFR 1.78(a)(3) because “[i]f an application includes a benefit claim in the application but not in the manner specified by 37 CFR 1.78(a) (e.g., if the

claim is included in an oath or declaration or the application transmittal letter) within the time period set forth in 37 CFR 1.78(a), the Office will not require a petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) to correct the claim if the information concerning the claim was recognized by the Office as shown by its inclusion on the filing receipt.” MPEP 201.11(III)(D); MPEP 201.11(IV). In the present case, Applicants submitted the priority claim in the transmittal letter that accompanied the original filing on October 7, 2003, and the Office recognized Applicants’ priority claim in both the Filing Receipt mailed on January 2, 2004 and the Updated Filing Receipt mailed on July 30, 2004. Therefore, a grantable petition and a surcharge are not required under 37 CFR 1.78(a)(3).

In view of the foregoing, Applicants respectfully request that the Office issue the attached Certificate of Correction. If the Office believes that further dialog would advance issuance of the Certificate of Correction, the Office is invited to contact the undersigned at 312-913-0001.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff LLP

Date: July 9, 2008

By: /Jeffrey P. Armstrong/
Jeffrey P. Armstrong
Registration No. 54,967

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,126,605
APPLICATION NO.: 10/681,829
ISSUE DATE : October 24, 2006
INVENTOR(S) : Aaftab A. Munshi, Mark Wood-Patrick

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Please insert the following on the front page of the patent directly below
filing date:

Related U.S. Application Data

(63) Continuation of application No. 09/898,034, filed on July 3, 2001
and now abandoned

Please insert the following paragraph heading and paragraph into the
specification at column 1, line 5, immediately following the title:

CROSS-REFERENCE TO RELATED APPLICATIONS

The present application is a continuation of prior U.S. Application No. 09/898,034,
filed on July 3, 2001 and now abandoned.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Dr.
Chicago, IL 60606

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

22154 U.S. PTO
10/681829

I certify that this paper is being deposited with the U.S. Post Office "Express Mail Post Office to Addressee" under 35 CFR 1.10 on the above date, addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Deanna Costen

(DO NOT USE FOR CIPs)

☒ Continuation)
) application under 37 CFR 1.53(b)(1)
☐ Divisional)
 application under 37 CFR 1.53(b)(1)
 of pending prior application of

Group Art Unit: 2671

Examiner: Scott A. Wallace

Inventor(s): **Aaftab A. Munshi et al.**

Parent Appln. No.: 09/ 898,034
Series Code ↑ Serial No. ↑

Atty. Dkt. 069102-0269523
New M#

BEL-013(C)
Client Ref

Parent Filed: July 3, 2001

(Parent Matter No. 069102-0269523)

This Appln. Filed: **October 7, 2003**

Title: METHOD AND APPARATUS FOR IMPLEMENTING LEVEL OF DETAIL WITH RAY TRACING

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

To effect the above-requested filing today, **without** a filing fee:

1. **Attached is a copy (which must be filed) of the prior application, including:**

- ☒ Abstract
☒ Specification and claims (29 pages) (**must be attached**)
☒ Drawings (**must be attached if originally filed**): 7 sheet(s)/set: ☒ 1 set formal;
☐ Transmittal of Formal Drawings with _____ sheet(s):

☒ Formal of size

☐ A4

☒ 11"

- 1A. Always X one box, only:

- (1) ☒ Copy of Signed declaration or oath as originally filed in prior application attached
- (2) ☐ NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2. ☐ This application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this application (DELETE THE FOLLOWING INVENTOR(S)):

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

2.5 THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):

- | | |
|----|----|
| 1. | 2. |
| 3. | 4. |
| 5. | 6. |

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4. ☐ Priority is claimed under 35 U.S.C. 119/365 based on filing in _____ of _____ (country)

(1)	Application No.	Filing Date	(2)	Application No.	Filing Date
(3)	_____	_____	(4)	_____	_____
(5)	_____	_____	(6)	_____	_____

a. ☐ (No.) Certified copy/copies attached.

b. ☐ Certified copy/copies previously filed on _____ in _____ U.S. Application No. _____ / _____, filed on _____ series code \uparrow \uparrow serial no. _____

c. ☐ Certified copy/copies filed during International stage of PCT/ _____ / _____

4. (a) ☐ Domestic priority is claimed from PCT/ _____, filed _____

(b) ☐ Benefit is claimed of Provisional Application No. 60/____, filed ____.

5. ☒ Prior application is assigned to Believe, Inc.

by assignment recorded July 3, 2001 Reel 011968 Frame 0624.
(Date)

6. ☐ Attached is the following number of Assignments (including original and all later successive ones by different and respective new Cover Sheets. (Do NOT file old cover sheets.) assignors): _____

(Assignments in parent must be refiled with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7. ☒ The power of attorney in the prior application is to Pillsbury Winthrop LLP, and specifically Mark J. Danielson, Reg. No. 40,580

(Name and Reg. No.)
whose current address is as in item 8 below.

a. ☐ Recognize as associate attorney _____

(Name, Reg. No. and Address)

8. Address all future communications to Intellectual Property Group
of Pillsbury Winthrop LLP, 2550 Hanover Street, Palo Alto, CA 94304-1115

9. This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:

No. 09/ 898,034 filed July 3, 2001

No. _____ filed _____

No. _____ filed _____

No. PCT/ _____ / _____ filed _____, which

designated the U.S. and that International Application ☐ was ☐ was not published under PCT Article 21(2) in English

- 9(a). ☐ See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit of the above listed US application(s)
10. **Small Entity Status** ☐ is Not claimed ☒ is claimed (pre-filing confirmation required)
 :
 (No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:
☐ filed in above prior application
☐ attached.
11. Petition to extend the life of the above prior application to at least the date hereof
 (one box) ☐ is being concurrently filed in that prior application (Use Form PAT-111).
 (must be) ☐ was previously filed in that prior application (Check length of prior extension).
 (X'd) ☒ is not necessary for copendency (**Double check** before X'ing this box).
12. ☐ **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609. .
13. ☐ Attached is a Rule 103(a) Petition to Suspend Action.
14. ☐ Please see the attached Preliminary Amendment which reduces the number of claims for purposes of reducing the initial filing fee.
15. ☒ See NONPUBLICATION REQUEST under Rule 213(a) attached (Pat-258)

Pillsbury Winthrop LLP
Intellectual Property Group

2550 Hanover Street
 Palo Alto, CA 94304-1115
 Tel: (650) 233-4777

By Atty: Mark J. Danielson

Reg. No. 40580

Sig: 

Fax: (703) 905-2500
 Tel: (650) 233-4777

MJD/DMC
 Atty./Sec.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/681,829	10/07/2003	2671	0.00	069102-0269523	7	45	4

Intellectual Property Group
 Pillsbury Winthrop LLP
 2550 Hanover Street
 Palo Alto, CA 94304-1115

CONFIRMATION NO. 6592

FILING RECEIPT



OC000000011597272

Date Mailed: 01/02/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Aaftab A. Munshi, Los Gatos, CA;
 Mark Wood-Patrick, San Jose, CA;

Assignment For Published Patent Application

Believe, Inc.;

Domestic Priority data as claimed by applicant

This application is a CON of 09/898,034 07/03/2001 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 12/31/2003

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Method and apparatus for implementing level of detail with ray tracing

Preliminary Class

345

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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022193-060410US

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/681,829	10/07/2003	2671	1436	022193-060410US	7	45	4

20350
 TOWNSEND AND TOWNSEND AND CREW, LLP
 TWO EMBARCADERO CENTER
 EIGHTH FLOOR
 SAN FRANCISCO, CA 94111-3834

CONFIRMATION NO. 6592

UPDATED FILING RECEIPT



OC00000013393958

Date Mailed: 07/30/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

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Aaftab A. Munshi, Los Gatos, CA;
 Mark Wood-Patrick, San Jose, CA;

Assignment For Published Patent Application

Believe, Inc.;

Domestic Priority data as claimed by applicant

This application is a CON of 09/898,034 07/03/2001 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 12/31/2003

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Method and apparatus for implementing level of detail with ray tracing

J2E
 08/03/04

Preliminary Class

345

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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